

Grant County Planning Commission

May 24th, 2004

The May 24 2004 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Bill Marksberry, Vernon Webster, Dan Scroggins, Marlon Kinsey, Marvin Faulkner, Nancy Duley, Howard Brewer Jr., Attorney: Tom Neinaber Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1: APRIL MINUTES

Dan Scroggins made a motion to approve the meeting minutes for April, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: APRIL FINANCIAL REPORT

Vernon Webster made a motion to approve the April financial report, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

none

ITEM 4: ZONING ORDINANCE UPDATE- CITY OF DRY RIDGE

Howard Brewer made a motion to go into executive session to discuss pending litigation, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Marvin Faulkner made a motion to come out of executive session, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

Howard Brewer stated that he was excusing himself from the meeting.

John Lawrence stated that a simple majority was required to pass the update to the Zoning Ordinance and he felt that they should open the public hearing and hear from the public that were in attendance to speak on the item and then table the request until the next meeting.

Mike Mulvey, attorney from the City of Dry Ridge, said that there was not anyone from the City present at the last meeting because the City had a meeting that night also. He said that his Ordinance was like the Ordinance that had been recently passed by the County and been sent to the other cities.

Dan Scroggins stated that it was his understanding that the City of Dry Ridge intends on making changes to the Ordinance once it is passes by the Commission and forwarded to them.

Mr. Mulvey stated that the Council was going to look at the multiple Residential zones and probably reduce them down to what is in the Ordinance currently.

Dan Scroggins stated that if the goal was to bring all of the Ordinances in line with one another why would the City have their Ordinance updated and after the Commission approves the changes they City changes it back to the way it was originally.

Mr. Mulvey stated that it was not the idea of the City to come into conformance with the other Ordinances but to have their own updated Ordinance.

Jonathan Britt stated that it was the Commission job to try and keep them from changing the Ordinance once it was sent to them, he said that the Ordinance was updated based on the updated Comprehensive Plan.

Dan Scroggins stated that it would be difficult for him to vote knowing that it was going to be changed by the City.

John Lawrence asked why there was any mention of Adult businesses in the Ordinance.

Mr. Mulvey stated that there was a Supreme Court case that said that Adult Entertainment is a legitimate business and they can be regulated. He said that Dry Ridge took the steps to control the business by allowing them as conditional uses in Industrial Zone.

Jonathan Britt said that the Board of Adjustment could put conditions on any request.

Chalmer Williams stated that he owned the Masonic building in Dry Ridge and has had the property for sale. He said that because it was currently zoned R3 there could not be a retail business in the building. He said that he was approached by the real estate agent about leasing the building to Mrs. Reynolds to put a Jewelry store in the building. He said in early November he contacted Mr. Britt about changing the zoning to CBD and Mr. Britt said that he felt that the zone change would fail because of the Comprehensive Plan and Mr. Britt said to talk to the City. They contacted the City and Mr. Mulvey told them to make application for the zone change. He said after they had filled out the application they were contacted by the City and told not to file the application. He said they were told that the City was going to do a zone change that would include this property. He said that the lost income from the rent to him is not a big deal but Mrs. Reynolds is a small business owner and being inoperable for 4 to 5 months has come close to putting her out of business.

John Lawrence declared the public hearing closed.

Mr. Mulvey said that his understanding was that there was not enough Commission members present to vote on the Cities request but that zone changes and other business could proceed.

Mr. Neinaber said that was correct.

Dan Scroggins made a motion to table the request until the next meeting, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 5: ZONE CHANGE - MIKE MCCORMICK - CONT

APPLICANT: Mike McCormick

GENERAL LOCATION: on the south side of Lawrenceville Road, 0.15 miles west of Mason Pike

REQUEST: Agricultural - One (A-1) to Rural - Residential (RR)

There was no one present to present the application. Mr. Neinaber said that a letter needed to be sent to the applicant information them that since no one was present the represent the application the request could not be heard by the Commission.

ITEM 6: ZONE CHANGE - HARRY JUMP

APPLICANT: Harry Jump

GENERAL LOCATION: An approximate 4.176 acre area located on the north side of Elliston Mt. Zion Road, approximately 0.7 miles southwest of Vallandingham Road

REQUEST: Agricultural - One (A-1) to Residential - One - A (R-1-A)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Richard Austin, representing the applicant, stated that the property was located in Mt. Zion and the request was the split the house and 1.5 acres from the farm and another lot from the farm that did not have a home on it.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Dan Scroggins asked if the existing home met the required setbacks.

Jonathan Britt stated that the house did meet the setbacks.

Jonathan Britt read the staff recommendation, which was approval of the zone change request because the proposal does appear to be in compliance with the current Comprehensive Plan. Findings of Fact: 1. the roadway is sufficient enough to accommodate the amount of traffic that could be generated by the proposed development, 2. the addition of one dwelling unit should not have an adverse impact on the availability of police and fire protection 3. the proposed division would allow for continued agricultural production.

Marvin Faulkner made a motion to approve the request based on the findings of fact in the staff report, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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ITEM 7: ZONE CHANGE - JAMES CULL

APPLICANT: James Cull

GENERAL LOCATION: An approximate 3.016 acre area located on the southwest side of Ky. St. Rt. 36, 0.7 miles west of Ky. St. Rt. 22

REQUEST: Agricultural - One (A-1) to Rural - Residential (RR)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Vickie Cull stated that the request was to divide 3 acres from the farm for someone to build a home.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change request, with conditions, because the proposal does appear to be in compliance with the current Comprehensive Plan. Findings of Fact: 1. the roadway is sufficient enough to accommodate the amount of traffic that could be generated by the proposed development. 2. the addition of one dwelling unit should not have an adverse impact on the availability of police and fire protection. 3. the proposed division does allow for the property integration of residential housing units into the agricultural areas. Conditions: 1. a proper encroachment permit is obtained from the Transportation cabinet. 2. the tract should not be further subdivided to ensure proper access to the tract of land.

Mrs. Cull said that she agreed to those conditions.

Dan Scroggins made a motion to approve the request based on the findings of fact that the roadway is sufficient enough to accommodate the amount of traffic that could be generated by the proposed development and the addition of one dwelling unit should not have an adverse impact on the police and fire protection with the condition that a proper encroachment permit be obtained from the Transportation cabinet and the tract not be further subdivided, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: CROWN POINT - PRELIMINARY PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Logan Murphy stated that this was the first phase of the subdivision and the applicant would probably request a zone change if sewer became available to the property.

Jonathan Britt asked why sewer wasn't required for the subdivision now.

Mr. Murphy said that sewer was not available to the property and that the developer was working with the City to get sewer to the property. He said that the owner wants to build his personal home out there and wants to get started soon.

Jonathan Britt stated that he thought it was a bad idea to have this subdivision, which was inside the City Limits, with 1 acre lots on septic systems.

Mr. Murphy stated that the property was on the far West side of the City and that there was no sewer close to the property.

Jonathan Britt asked why there was not an easement from the cul-de-sac to the property line.

Mr. Murphy said that the Commission could require that if they chose.

Dan Scroggins asked what impact the possible widening of Barnes Road would have on the lots that had frontage onto Barnes Road.

Mr. Murphy said that about 200 feet past this property the Road dead ends and the owner will dedicate the required right-of-way to the City.

Jonathan Britt stated that he recommended that the Commission required the road to be built to the property line.

Dan Scroggins asked why the road would be built to the property line.

Jonathan Britt said that the Subdivision Regulations require that the roadway be extended to the property line but in 90% of the cases that requirement is waived. He said that in 50 years if the adjoining property owner decided to subdivide the property they would have the road to do so.

Mr. Murphy said that the adjoining property has a slope of 20% and the maximum that the subdivision allows is 12%. He said that if they built the street to the property line they would put in a temporary turnaround and not build the cul-de-sac.

Brandon , said that with a 20% slope the developer would have to construct at 40-50 foot high bridge and that was not feasible for any subdivision. He said that he liked it the way that it was shown and if the street was built to the property line it would be a dead end street with no cul-de-sac.

Nancy Duley asked if it would cause a hazard if the road was extended because of the slope.

Mr. Murphy said that all that is required to be built if they extend the street to the property line is a temporary turn around.

John Lawrence asked if they could just provide an easement to the property.

Mr. Murphy said that a right-of-way is what is needed if they are to extend the street.

Dan Scroggins asked if they could approve the plat with the condition that the right-of-way be added to extend to the property line.

Mr. Murphy said that he would have to discuss the issue with the owner and if he had a problem with the condition he could come back to the Commission.

Dan Scroggins made a motion to approve the plat, Marvin Faulkner seconded the motion.

Jonathan Britt read section 10 R-1 from the City of Williamstown Zoning Ordinance stating that sanitary sewer is required unless the City says that it would not be feasible.

Dan Scroggins withdrew his motion; Marvin Faulkner withdrew his second to the motion.

Marvin Faulkner made a motion to approve the plat, Bill Marksberry seconded the motion. A hand vote was taken Bill Marksberry: yes, Vernon Webster: no, Dan Scroggins: no, Marlon Kinsey: no, Marvin Faulkner: yes, Nancy Duley: no.

Mr. Murphy asked if the developer would be required to pay the fees again.

Jonathan Britt said that the Commission could waive the fees and that the developer would have to provide a letter from the City stating that providing sanitary sewer would be impractical.

Nancy Duley made a motion to waive the fee, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: TOOLE SUBDIVISION - PRELIMINARY PLAT

Logan stated that the property was zoned R1 under the old ordinance but was now R-1A under the new Ordinance. He said that the Board of Adjustments had approved a Variance to allow the lot width to be 125ft.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Vernon Webster made a motion to approve the plat, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10: CALDWELL ESTATES - IMPROVEMENT PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Marvin Faulkner made a motion to approve the plat, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: CLAIBORNE ESTATES - IMPROVEMENT PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Marvin Faulkner made a motion to approve the plat, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 12: DCBB - SITE PLAN

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Jerry Keith said that this was the second phase of the retail lease space that DCBB was building. He said that this phase would have 6 lease spaces.

Dan Scroggins made a motion to approve the plat, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 13: CONVEYANCE PLATS - APRIL

Vernon Webster made a motion to approve the Conveyances for April, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 14: EXECUTIVE SESSION

Dan Scroggins made a motion to go into executive session to discuss personnel, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Vernon Webster made a motion to come out of executive session, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

ITEM 15: OTHER BUSINESS

None

ITEM 16: ADJOURNMENT

Bill Marksberry made a motion to adjourn, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

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